UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRISTAN LOGAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-10045-GAO
ELAINE CHAO, SECRETARY)	
UNITED STATES DEPARTMENT OF LABOR,)	
PENSION AND WELFARE BENEFITS)	
ADMINISTRATION,)	
)	
Defendants.)	
)	

THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Elaine Chao, Secretary, United States Department of Labor,

Pension and Welfare Benefits Administration (the "DOL"), by and

through her Attorney, Michael J. Sullivan, United States Attorney

for the District of Massachusetts, herein moves this Court to

grant her Motion for Summary Judgment pursuant to Fed. R. Civ. P.

56(c). For the reasons set forth in the DOL's attached

Memorandum of Law with Supporting Exhibits, the undisputed

material facts show that the DOL is entitled to judgment in its

favor.

WHEREFORE, based on the arguments and authorities stated in this Motion and attached Memorandum of Law with Supporting Exhibits, the DOL moves this Court to grant her Motion for Summary Judgment.

Respectfully submitted,

ELAINE CHOI, SECRETARY,
UNITED STATES DEPARTMENT
OF LABOR, PENSION AND WELFARE
BENEFITS ADMINISTRATION,

By her Attorney,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney
U.S. Attorney's Office
1 Courthouse Way, Suite 9200
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 17, 2008.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney

<u>LOCAL RULE 7.1 CERTIFICATION</u>

    I, Rayford A. Farquhar, Assistant United States Attorney, do hereby certify that on diverse dates I discussed the merits of this case with the pro se plaintiff, and we could not reach an agreement regarding the subject matters raised in this Motion.

                /s/ Rayford A. Farquhar
                Rayford A. Farquhar
                Assistant U.S. Attorney